



03-09-07

Express Mail Label
EB 104590932
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert R. Gray

)
) ART UNIT: 3727

Serial No: 10/068,575

)
) Examiner: Stephen J. Costellano

Filed : February 6, 2002

)
)

For: TRASH RECEPTACLE WITH SUCTION MEANS FOR DRAWING)
A FLEXIBLE BAG LINER AGAINST ITS INTERIOR WALLS)

Via Fax and Mail

ATTN: PAUL SHANOSKI

OFFICE OF PETITIONS

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22303-1450

March 8, 2007

Sir:

RENEWED PETITION
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
(MPEP 711.03 (c) II and 37 CFR 1.181)

This is a Renewed Petition that the holding of abandonment set forth in the Notice Of Abandonment mailed by the office on 08/30/2006 be withdrawn due to non-receipt of the Notice of Allowance.

**CERTIFICATE OF MAILING
EXPRESS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: 3-8-07

Kenneth A. Roddy
Kenneth A. Roddy

STATEMENT

This Renewed Petition is responsive to the Decision dated January 8, 2007 in the previously filed Petition under 37 C.F.R. 1.181, and is submitted to supplement and clarify the information supplied in the previous Petition filed October 8, 2006 concerning failure to receive a Notice of Allowance dated April 27, 2006.

Regarding Change of Address

In the January 8, 2007 Decision, the Petitions Attorney noted that the non-received April 27, 2006 Notice Of Allowance was mailed to “Suite 105”, 2916 West T.C. Jester, Houston, TX 77018, which was the address of record, but that the address appearing on the October 8, 2006 Petition was “Suite 100” , 2916 West T.C. Jester, Houston, TX 77018. The Petitions Attorney indicated that it appeared that subsequent to filing of the application, the undersigned agent’s address changed, and that the Notice of Allowance was properly mailed but the mailing may have been returned because the undersigned agent was no longer located at “Suite 105”. The Petitions Attorney reasoned that the new occupant of Suite 105 would have returned the mailing to the U.S. Postal Service with an indication that it should be returned to the sender.

The Petitions Attorney requested clarification why the undersigned agent’s return address differed from the address of record, and if it has changed, to indicated when this occurred and why a change of correspondence address was not submitted.

The return address differs from the address of record because the undersigned agent moved across the hall in the same office building from “Suite 105” into “Suite 100” subsequent to filing the application. However, the undersigned agent utilizes both mailing addresses, still receives mail addressed to either suite number, and has a key to the mailbox for both mailing addresses. Thus, a change of correspondence address was not submitted, nor necessary.

The present application (Serial No. 10/068,575) was filed February 28, 2002 and, with the exception of the April 27, 2006 Notice of Allowance, during the past 5 years the undersigned agent did receive, and responded to, ALL all of the correspondence in this application that was mailed to "Suite 105", as evidenced by the attached exhibits.

(Exh. I) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 06/23/2004.

(Exh. J) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 10/18/2004.

(Exh. K) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 02/08/2005.

(Exh. L) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 01/04/2006.

(Exh. M) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 08/30/2006.

The above documents are evidence that if the mailing was addressed to "Suite 105", the correspondence address of record would have been received by the undersigned agent. If, as suggested by the Petition Attorney, the mailing was returned to the USPTO by the U.S. Postal Service because the undersigned agent was no longer located at "Suite 105", it is reasoned that the Patent Examiner or the USPTO mailroom personnel would have notified the undersigned of the returned mailing. However, no such notification was received.

Regarding Broken Mailbox

In the previous Petition, the undersigned agent provided a description of the procedures followed in handling incoming Office Actions, accompanied by the docket record and other documents mailed from the USPTO during the same time period as the non-received Notice of Allowance, and which were received. One Office Action (previous Exh. C) mailed April 4, 2006 was addressed to "Suite 105" and the others were addressed to "Suite 100". Also during that same time period the undersigned agent learned that one Notice of Allowance (previous Exh. D)

mailed April 5, 2006 addressed to "Suite 100" was returned to the USPTO. The Patent Examiner in that case called the undersigned agent informing him that the Notice of Allowance had been returned as undeliverable, and faxed another copy of the Notice of Allowance. About that same time, it was discovered that the mail carrier had not been leaving the mail addressed to "Suite 100" for a period of time and some mail may have been returned to the sender because he was unable to lock the mailbox for "Suite 100" (previous Exh. E).

However, there was not a problem with the mailbox for "Suite 105". The undersigned agent does not know if the Notice of Allowance (previous Exh. D) in the other case was returned because the mail carrier had a problem with the mailbox lock, or whether it was returned because the address was not visible in the window of the USPTO envelope (See previous Exh. D-pg.4). The Patent Examiner in that case only indicted that Notice of Allowance had been returned as "undeliverable".

Since there has been no problem with the lock for the mailbox for "Suite 105", no notification by the USPTO that the Notice of Allowance which is the subject of this Petition was returned as undeliverable, and and other mail addressed to both "Suite 105" and "Suite 100" during the same time period was in-fact received, the undersigned agent can only assume that it became lost in the mail enroute from the USPTO or that the mailing address was not visible in the window of the USPTO envelope.

The present application has been pending for 5 years, and the undersigned agent and his client have been patiently waiting to receive the Notice of Allowance. Needless to say, if it had been received, the issue fee would have been promptly paid.

As discussed above, the undersigned agent receives mail addressed to both "Suite 105" and "Suite 100". However, the Petitions Attorney stated that the petitioner will not receive future correspondence related to this application unless a Change of Correspondence Address is submitted.

A Change of Correspondence Address is submitted herewith.

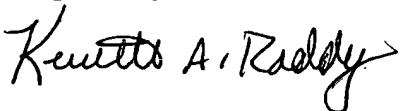
REQUEST AND ACKNOWLEDGEMENT

Mailing of a new Notice of Allowance and acknowledgement of the active status of this application is respectfully requested.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

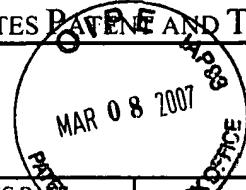


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UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575	02/06/2002	Robert R. Gray		8273

7590 06/23/2004

Kenneth A. Roddy
Suite 105
2916 West T.C. Jester Boulevard
Houston, TX 77018

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3727

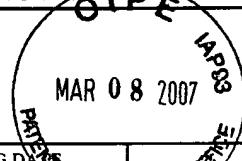
DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "I"



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/068,575	02/06/2002	Robert R. Gray		8273

7590 10/18/2004

Kenneth A. Roddy
Suite 105
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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3737

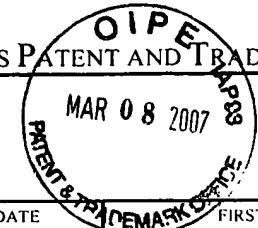
DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "J"



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575	02/06/2002	Robert R. Gray		8273

7590 02/08/2005

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 02/08/2005

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EXHIBIT "K"



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575 7590	02/06/2002 01/04/2006	Robert R. Gray		8273
			EXAMINER	
			CASTELLANO, STEPHEN J	
		ART UNIT	PAPER NUMBER	
		3727		
DATE MAILED: 01/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "L"



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575	02/06/2002	Robert R. Gray		8273

7590 08/30/2006

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EXAMINER

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ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "M"